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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,812	07/24/2007	Zile Liu	HAMDANI1	3997
1444 7590 12/15/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER MAI, HUY KIM	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 12/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,812	<b>Applicant(s)</b> LIU ET AL.	
	<b>Examiner</b> Huy K. Mai	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/9/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) filed Aug. 9, 2006 is acknowledged.

### ***Drawings***

2. The drawings are objected to because the rays "AM<sub>B</sub>A'" and "BM<sub>A</sub>B'" in Fig.1 should read --AM<sub>A</sub>A'-- and --BM<sub>B</sub>B'--, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 11 and 18 are objected to because of the following informalities: The limitations in claims 11 and 18 should be clarified; otherwise, the phrase "said light source" (claim 11, line 19 and claim 18, line 19) has no antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7,11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambs (3,982,827) in view of Hall (6,252,565).

Regarding device claims 15-20, Gambs (Figs. 1-2, column 2) discloses device for generating retinal images, using the stigmatism of two foci (4, 6) of a substantially elliptical diopter 14 including several sections comprising at least one semi-reflecting surface section 12, comprising: a so-called "source" focus formed by: the diaphragm 3b of a pin diaphragm forming a convergence point of an image generated by a light source 3a, a so-called "image" focus 4 formed by the pupil 4 or the centre of the eye 2 of the observer, positioned in the vicinity of the second focus of said substantially elliptical diopter 14, a projection in the vicinity of the retina of the eye of the observer, of the image generated by said light source, and reflected by the semi-reflecting surface 12 of said substantially elliptical diopter 14, except that the several sections comprises mirror sections and/or semi-transparent mirror sections which are tangent to the ellipse 14 in stead of a semi-reflecting surface in a substantially elliptical shape as claimed. Hall (Fig.1) discloses an elliptical cavity optical retinal display using a substantially elliptical diopter including a mirror coating shell 23 and two foci (11, 12) for projecting a beam from one focus to the eye at a second focus after reflecting from the semitransparent reflecting shell. Therefore, it would have been obvious at the time the invention was made to those skilled in the art in taken

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the Gambs reference in consideration with Hall's teaching to produce the claimed invention by forming a substantially elliptical diopter having a semi-reflecting surface and two foci for projecting an image from one focus to the eye at a second focus after reflecting from the semi-reflecting surface as taught by Hall.

Regarding method claims 1-7 and 11-14, the device for generating retinal images, using the stigmatism of two foci (4, 6) of a substantially elliptical diopter 14 comprising a semi-reflecting surface is unpatentable over Gambs in view of Hall's device, as discussed above. It would have been obvious at the time the method is made to those having skill in this art to recognize the steps in the Gambs in view of Hall's device to perform the functions for generating retinal images, using the stigmatism of two foci (4, 6) of a substantially elliptical diopter 14 comprising a semi-reflecting surface as the applicant claimed in claims 1-7 and 11-14.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

/Huy Mai/

Primary Examiner, Art Unit 2873

HM

December 15, 2008